

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
PUBLIC HEARINGS**

**July 5, 2017**

**7:30 P.M.**

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**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mr. Greg Breetz  
Mr. Kim Bunger, Secretary/Treasurer  
Mr. Mark Hicks  
Mrs. Janet Kegley  
Mr. Don McMillian  
Ms. Jamie Nieves  
Mr. Kim Patton  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mr. Brad Shipe  
Mr. Steve Turner, Temporary Presiding Officer

**COMMISSION MEMBERS NOT PRESENT:**

Mrs. Lori Heilman  
Ms. Lisa Reeves  
Mr. Charlie Reynolds

**LEGAL COUNSEL PRESENT:**

Mr. Dale T. Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Mitchell A. Light, Asst. Zoning Administrator

Chairman Rolfsen called the Public Hearing to order at 8:26 P.M. and introduced the first item on the Agenda:

**ZONING MAP AMENDMENT - Mitch Light, Staff**

1. Request of **Florence Baptist Church (owner)** for a Zoning Map Amendment from Commercial Services (C-3) to Public Facilities (PF) for a 3.07 acre tract located at 1050 Burlington Pike, Boone County, Kentucky. The request is for a zone change to allow a K-12 school to operate within the existing church.

Staff Member, Mitch Light, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). Mr. Light explained that the application involves changing the zoning of the property in order to allow a K-12 school to operate in the existing church building. A narrative outlining the request is attached to the Staff Report. Anticipated enrollment for the school in the Fall, 2017 is 50 students. The applicant has stated that 100 students would be the maximum number. At that point, the school would have to find another place to meet. School hours will be 8:00 a.m. to 3:00 p.m. Monday through Friday. Mr. Light identified the adjoining zoning and land uses, which included two car dealerships, single family residences and apartments. The 2010 Boone County Comprehensive Plan's Future Land Use Map designates the site as Public/Institutional (P). This designation is described as "government offices, schools, libraries, churches, cemeteries, fairgrounds, maintenance areas, etc." The Land Use Element text within the 2010 Boone County Comprehensive Plan (Houston-Donaldson/Mall Road) makes no specific reference to this site. Mr. Light showed photographs of the subject site and the area. He also showed 4 different floor plans of the proposed use.

In terms of Staff Comments, Mr. Light explained that the applicant's narrative states that the school will operate within the existing church building and that no building addition is necessary. If, in the future, the church/school needs to expand the building square footage for the school, a Change in the Approved Concept Development Plan will be required. The narrative addresses the following: maximum number of students: 100 (anticipated enrollment for the Fall of 2017 is 50); Anticipated school hours: 8 to 3 Monday - Friday; Any athletic fields or recess yards proposed? Nothing in addition to the existing playground behind the church; No busses are proposed and the parents would use a similar traffic pattern that the church uses - enter through the main entrance and exit through the westernmost access point next to Zimmer Dodge/Chrysler.

Staff received comments regarding the proposal from the Kentucky Transportation Cabinet, Florence Fire, and the Boone County Sheriff. Their comments are attached to the Staff Report.

In conclusion, the request needs to be evaluated by the Boone County Planning Commission and Boone County Fiscal Court in terms of Article 3 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area. The Future Land Use Map will not need to be amended if the request is approved.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation? Mr. Tavis McNair, Florence Baptist Church, distributed a handout that describes the church's request (see Exhibit A). The main reason why they want the zone change is that they want to make a positive impact in the community. Sometimes it is under the radar where people

may not know if Florence Baptist Church is involved in a project. Florence Baptist Church merged with Greenview Baptist Church about a year and a half ago. They have seen some growth and are happy to keep a church in the area. They have also allowed schools to use their Mt. Zion Road campus for graduation ceremonies and athletic banquets. They also open their facilities for voting purposes. A few months ago, Florence Baptist Church approved the Union Pointe Academy to relocate their school to 1050 Burlington Pike. For a number of years, there has been a preschool at Greenview Baptist Church (Sunshine Corner Preschool). It no longer exists but the building is set up for classrooms. It is a strategic decision for the church. By shifting to a public facility zone, it will allow the church to continue to operate while allowing the school to function. Mr. Chad Caddell, Principal, Union Pointe Academy, stated that the current enrollment is 50 and could grow to 100. They operate a co-educational private Christian school grades 1-12. They are accredited through the National Association of Private Schools. The school caters to families who need a different type of school to help and reach a variety of kids. They have a dyslexia program where kids are taught to read. They also help students who struggle with anxiety. They offer a less stressful learning environment. They have a small teacher/student ratio. They use an on-line learning curriculum called Odysseyware. It is certified based on Kentucky Educational Standards. They do on-line learning and live student/teacher interactions. It allows students to work at their own pace.

At this time Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Ms. Catherine Zimmer, 3265 Madonna Drive, Edgewood, inquired about the Vance property across the street. Is it going to be a Dunkin' Donuts store? Mr. Light responded yes. She expressed a concern about traffic. Several times a year, there is a bad wreck near their car dealership. People fly down KY 18. Will more people be pulling in and out off KY 18 be a problem? People have been hit leaving her business. Has there been any consideration of a traffic pattern? Mr. Costello noted there has always been a preschool located in the church facility. There are many entrances where traffic can travel onto KY 18. The speed limit is 45 miles per hour in the area. Perhaps a speed study could be conducted? Could there be a school zone? Mr. Costello stated that Judge Moore would have to request a speed study. Chairman Rolfsen asked if it could help if the second entrance would be limited to right turn only? Mr. John Zimmer replied that the second entrance is only a single lane. A traffic study of traffic flow should be done. Mr. Zimmer asked could they just come out on the main drive?

Mr. Light stated that the flashing beacon school light will not be installed until attendance reaches 100 students.

At this time, Chairman Rolfsen asked if any Board Members had any comments or questions? Mr. McMillian inquired on whether a driveway could be extended through the other dealership? Mr. Light explained it could work if Mazda/Volkswagon would give permission. It would allow traffic to utilize a traffic signal. Chairman Rolfsen asked if the applicant could not utilize the single lane entrance? Mr. McNair responded yes. Mr. Patton asked how the applicant arrived at 100 students since it seems there is more room in the church? Mr. McNair replied that it had more to do with size of the classrooms and the vision of Union Pointe Academy. They have a smaller teacher/student ratio on purpose. Their goal is to have a 10 to 1 ratio. The building will still serve

as a satellite church. The use is primarily a church. Currently, the building sits empty. Mr. Patton suggested increasing the total number of students to 120 given the design of the existing building and the ideal teacher/student ratio. Mr. McNair replied that he would be in agreement since they would like to maximize their options. They used 100 students because that figure was provided to them by Union Pointe Academy.

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on July 19, 2017 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on August 2, 2017 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:50 P.M.**

**APPROVED:**

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**Charlie Rolfsen**  
**Chairman**

**Attest:**

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**Kevin P. Costello, AICP**  
**Executive Director**

Exhibit A - Handout (Map Amendment 1050 Burlington Pike)

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mr. Greg Breetz  
Mr. Kim Bungler, Secretary/Treasurer  
Mr. Mark Hicks  
Mrs. Janet Kegley  
Mr. Don McMillian  
Ms. Jamie Nieves  
Mr. Kim Patton  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mr. Brad Shipe  
Mr. Steve Turner, Temporary Presiding Officer

**COMMISSION MEMBERS NOT PRESENT:**

Mrs. Lori Heilman  
Ms. Lisa Reeves  
Mr. Charlie Reynolds

**LEGAL COUNSEL PRESENT:**

Mr. Dale T. Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Mitchell A. Light, Asst. Zoning Administrator

Chairman Rolfsen called the Public Hearing to order at 8:51 P.M. and introduced the second item on the Agenda:

**ZONING MAP AMENDMENT FOR SPECIAL SIGN DISTRICT - Mitch Light, Staff**

2. Request of **Terry Crigger or Randy Chestnut (applicants)** for **Christ's Chapel Assembly of God (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 7.6 acre tract located at 3819 Turfway Road, Boone County, Kentucky. The request is for a Special Sign District in a Rural Suburban Estates/Planned Development/Houston-Donaldson Study Corridor Overlay (RSE/PD/HDO) zone to allow a monument sign with an electronic message center.

Staff Member, Mitch Light, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The proposed site is just around the corner from a similar application - the Mary, Queen of Heaven site. The applicant is requesting a Special Sign District in order to replace their existing free standing sign with an electronic message center. The existing sign is approximately 60 square feet with a brick base and columns. It will be replaced with 30 square feet of fixed copy and a 30 square foot electronic message center. It will be a single color display. Mr. Light showed photos of the subject site, adjoining properties and the existing sign. Mr. Light referred to the applicable sign regulations as noted in the Staff Report. The site is located in Subarea 8 per the Houston-Donaldson Study. The purpose of the Special Sign Regulations is to allow the Study Area to have sufficient signage for business purposes, while avoiding clutter and maintaining the character of the Houston Road and Donaldson Highway corridors. These regulations are also referenced in Article 34 of the Boone County Zoning Regulations. Proposals that meet the Special Sign Regulations can proceed directly to the Sign Permit review process with Boone County Planning Commission Staff. Proposals that do not meet the Special Sign Regulations shall be reviewed through either the Design Review, Concept Development Plan, Variance, or Special Sign District application processes. The 2010 Boone County Comprehensive Plan's "2035 Future Land Use Plan" designates the site for Public/Institutional uses. This designation is described as: Public/Institutional (P) - Government offices, schools, libraries, churches, cemeteries, fairgrounds, maintenance areas, etc. The Land Use Element text within the 2010 Boone County Comprehensive Plan (Houston-Donaldson/Mall Road) makes no specific reference to the site under review.

In terms of Staff Concerns, Mr. Light stated that the existing free standing sign is approximately 60 s.f. with a brick base and columns. The applicant is requesting to replace the existing sign area with 30 s.f. fixed copy and a 30 s.f. electronic message center. The exhibit provided indicates a single color display. Does the applicant want full color? The Boone County Planning Commission and Fiscal Court should analyze the following passages from the Boone County Zoning Regulations and Boone County Comprehensive Plan before acting on the request:

- A. Section 3440 of the Zoning Regulations states that the purpose of a Special Sign District shall be to respond to the special circumstances of development, renewal, redevelopment, or rehabilitation of areas of the County and to better achieve county-wide policies for growth and development.

- B. Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts on the visual appearance of a development or corridor.

Mr. Light showed additional photos of the existing signs in the area. The request needs to be evaluated in terms of the three criteria necessary for approving a Zoning Map Amendment request and Section 3440 (Special Sign District) of the Zoning Regulations. If the request is approved, the Future Land Use Map will not need to be amended. Mr. Light noted that the Kentucky Transportation Cabinet submitted a comment regarding the project. As long as the proposed sign is not located in the right-of-way, the Transportation Cabinet does not have a problem with it.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to make a presentation? Mr. Terry Crigger stated that he has been the Pastor at Christ's Chapel for 31 years. He noted that they want to update their sign to make it more applicable to the area.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Mr. John Zimmer stated that he and his brother own property adjacent to the site and he is supportive of the church's request.

Chairman Rolfsen asked if any Board Members had any comments or questions?

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on July 19, 2017 at 5:00 P.M. in this room or the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on August 2, 2017 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 9:05 P.M.**

**APPROVED:**

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**Charlie Rolfsen**  
**Chairman**

**Attest:**

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**Kevin P. Costello, AICP**  
**Executive Director**